

III. THE DESIGN REVIEW AND APPROVAL PROCESS

There are two important steps that every owner should take prior to selecting a lot and beginning the design of a new home. The first is to become familiar with the Eagles Nest's environment. Eagles Nest includes many different types of lots characterized by a variety of terrain, orientation and vegetation. These lots present different opportunities and challenges in the design of a home. The second is to spend time reviewing these Architectural Design Guidelines.

One of the fundamental objectives of the Eagles Nest Architectural Design Guidelines is for homes to be designed in response to the natural features of a site. The unique characteristics of each lot will dictate its own unique design solutions. A preconceived design should not be arbitrarily "forced" onto a site. For this reason it is advisable to give some thought to the type of home that is desired before purchasing a lot. If feasible, it may be helpful to retain an architect prior to making a final decision on a home site. Design professionals can help potential owners visualize different styles of homes and how they will "fit" on a particular lot.

Creativity, sensitivity and innovation, and the highest quality of planning, design and construction will be required in order for Eagles Nest to achieve its design goals and truly establish itself as a premier residential community. Therefore, it is required that only Colorado licensed architects, who are familiar with design requirements in a high mountain environment, design homes in Eagle Nest.

- Owners shall use Colorado licensed architects to design homes in Eagles Nest.
- Owners shall work with landscape designers experienced in mountain environments to design landscape and site improvements.

THE DESIGN REVIEW COMMITTEE

The design review process involves a series of meetings between the owner, his/her design team and the Eagles Nest Design Review Committee (DRC). This process begins with an informal introductory meeting and concludes with the completion of construction. Along the way are a series of meetings, or check points, designed to ensure a smooth and efficient review of the home design. The DRC is committed to assisting owners through the design review process. As opposed to a "regulatory review agency," the DRC should be thought of as a member of the owner's design team.

The DRC is comprised of five members who are selected to represent design professionals and residents familiar with Eagles Nest and with the challenges involved with designing and building in mountain environments. The Committee meets on a monthly or as needed basis and is responsible for reviewing all new construction and modifications to existing homes. Eagles Nest is located in the Town of Silverthorne. During the zoning approval for the project, the Town of Silverthorne approved the Covenants and gave the Eagles Nest Design Review Committee the authority to implement design guidelines and a review process that in some cases, may be more restrictive than the Town code. Homes in Eagles Nest are required to go through the normal Town of Silverthorne design review process following Final Review approval by the DRC.

The DRC evaluates all development proposals on the basis of the Eagles Nest Architectural Design Guidelines. Most of the design guidelines outlined in this document are written as relatively broad standards. The interpretation of these standards is left up to the discretion of the DRC. Other guidelines such as roof height, roof form and exterior wall materials are more clearly stated as definitive, or absolute design parameters. It is the intention of this design review process that all home designs comply with these absolute standards.

It is also recognized that each lot has its own unique characteristics and that each owner has their own individual needs and desires. For this reason, the DRC has the authority to approve deviations from any of the design standards in these guidelines. It should be understood, however, that any request to deviate from these guidelines will be evaluated at the sole discretion of the DRC and that the approval of deviations will be limited to only the most creative design solutions to unique situations. Prior to the DRC approving any deviation from a design guideline it must be demonstrated that the proposal is consistent with the overall objectives of these Guidelines, and that the deviation will not adversely affect adjoining lots or Eagles Nest as a whole.

Any deviation to these Architectural Guidelines, for a specific project, is required to have written approval from the DRC. A note located on the plans, specifications or color board is considered insufficient and is therefore unacceptable when it comes to a deviation approval.

THE DESIGN REVIEW PROCESS

The following sections describe the major steps involved in the Eagles Nest design review process. Submittal material required for each step in this process is also listed. The DRC may, at the request of an owner or at their own discretion, modify any of these submittal requirements.

OTHER DEVELOPMENT REGULATIONS

While these Architectural Design Guidelines constitute the primary tool for controlling the development of Eagles Nest, other material must also be considered during the design process. In addition to these guidelines, the Eagles Nest P.U.D. included the approval of preliminary and final subdivision plats, and the Covenants. Each of these documents establishes regulations, which control the development of Eagles Nest. In some cases, there will be conflicting provisions within each of these control documents. In the event of such conflict, the most restrictive provision shall apply.

Homes in Eagles Nest are required to go through the normal Town of Silverthorne design review process. Prior to initiating construction, the owners are responsible for obtaining a building permit from the Town of Silverthorne.

MODIFICATIONS TO EXISTING HOMES

DRC approval is also required for any exterior modifications to an existing home or lot. This includes improvements such as changes to color, landscaping, or the addition of new windows or an outdoor porch or patio. The review of modifications to existing homes will generally follow the procedures outlined in Step Three (Preliminary Review). Structural modifications (i.e. building additions, building renovations, deck additions, etc.) must be submitted to the DRC for review and approval. A \$500.00 (Five Hundred Dollars) application review fee is required for all structural modifications. As a general rule, this is required if you need to have a Town of Silverthorne building permit. Non-structural modifications (i.e. painting and landscape improvements) must be submitted to the DRC for approval but no application review fee is required. Submittal requirements will generally be limited to plans, written information, material samples or color samples necessary to demonstrate the proposed modification. Prior to beginning the design of any modifications to an existing home, owners are encouraged to contact the DRC to outline a review process and submittal requirements for the modification.

STEP ONE: THE INTRODUCTORY MEETING

The Introductory Meeting provides an opportunity for the Owner, his/her design team and DRC to have an informal discussion of the Eagles Nest Architectural Design Guidelines. Items to be discussed at this meeting are the design theme for Eagles Nest, the design review and construction process, and specific site planning, architectural and landscape guidelines. This meeting also gives the owner and his/her design team an opportunity to share his/her initial design concepts with DRC. This dialogue is an important first step to identify any major issues with the initial design concept prior to the owner expending large amounts of time and money on design. It is important to understand that coming to the committee with completed drawings without the benefit of this initial meeting will likely result in the applicant and the committee starting the process over.

The Introductory meeting may be held anytime after a contract has been accepted on a lot. The meeting may be held with any single member of the DRC and does not have to take place at a regular meeting of the Committee. During the course of this meeting, owners are encouraged to visit the home site with the DRC to discuss site specific issues relative to these Architectural Design Guidelines.

For the Introductory Meeting the Owner should have copies of the following information:

- Applicable Plat Notes for the subject Lot and Filing.
- Homeowner Association Documents:
 - Articles of Incorporation
 - Bylaws
 - Covenants, Conditions, Restrictions and Easements
- Eagles Nest Architectural Design Guidelines
- Site Diagram of subject lot with Site Diagram Notes
- A professional survey of the lot boundaries, building envelope, topography, easements and specific site constraints is desirable for this meeting.

Required Submittal Material:

There are no formal submittal requirements for the Introductory Meeting. A variety of material has been prepared to supplement these Architectural Design Guidelines. It is the responsibility of the owner's architect to obtain all supplemental guidelines and information prior to initiating formal design work.

STEP TWO: CONCEPTUAL REVIEW

After the design team has been introduced to the DRC and the Eagles Nest Design Review Process, the next step is to obtain a topographic survey of the site and begin schematic design of the home. For Conceptual Review, a series of informal sketches (one of which should be a perspective of the proposed residence), and a conceptual site plan are to be submitted to the DRC two (2) weeks prior to the Committee's scheduled meeting or as otherwise arranged with the committee. The architect should also have a general idea of the types of materials that are being considered for the residence.

It is recommended that a massing model of the residence be prepared during the conceptual design phase. While a model will help the DRC understand the proposed design, it will also provide an important aid to help the owner visualize his/her home.

The DRC will vote on the appropriateness of the conceptual design submittal and within two (2) weeks of this meeting, the DRC will provide the owner's design team with a list of outstanding issues that will have to be addressed and resolved during the next level of design.

Required Submittal Material:

Six copies, one full size set of plans and five sets of half scale, of the following are to be submitted.

1. Perspective and other informal sketches of the proposed residence.
2. Conceptual site plan of the lot, at a scale of 1" = 10'-0" or 1" = 20'-0", indicating the location of the Building Envelope, all proposed structures and major site improvements, access to the residence, and preliminary grading plans.
3. A topographic survey of the lot. The survey is to be prepared by a licensed surveyor drawn at a scale of 1" = 10'-0" or 1" = 20'-0" and shall indicate topographic contours at two foot (2'-0") intervals; easements; significant natural features such as rock outcroppings, existing drainages, mature stands of trees, all deciduous trees with four inch (4") or greater caliper, all evergreen trees with a six feet (6') or greater height; and the location of any other structures or improvements affecting the design of the home.
4. Photos of the site and surrounding area indicating the relationship of the proposed home to site and adjacent lots. Images of existing conditions are to be affixed or presented in 8 _ x 11 formats.
5. Any other drawings, materials or information requested by the DRC.

Required Submittal Material, continued

6. Five Hundred Dollar (\$500) Conceptual Review Application Fee. Checks shall be made payable to The EAGLE'S NEST PROPERTY HOMEOWNER ASSOCIATION- D.R.C.
7. Owner/Contractor Agreement.

Optional Submittal Material:

1. A massing model of the proposed residence.

Incomplete Submittals:

1. Submittals that are incomplete or do not comply with the submittal requirements will be returned to the Owner. A Re-submittal Fee of Five Hundred Dollars (\$500) will be required at the time the project is re-submitted.

STEP THREE: PRELIMINARY REVIEW

This step in the review process is the last formal meeting between the DRC and the design team before the preparation of final construction drawings. As such, a comprehensive submittal including final design drawings is required for the Preliminary Review. All submittal material must be submitted two (2) weeks prior to the DRC's scheduled meeting or as otherwise arranged with the committee.

A key element of this phase of the review process is a visit to the site by the DRC. Prior to this visit, the owner shall have their surveyor stake the site in order to provide the DRC with a clear understanding of the location of the proposed development. Staking shall indicate the location of property lines, the Building Envelope, an outline of all building footprints, the driveway, other site improvements such as on-grade decks and patios. All deciduous trees with four inch (4") or greater caliper and all evergreen trees with a six feet (6') or greater height, that are to be retained or removed must be flagged as such. Retained trees shall be marked with blue flagging and trees to be removed shall be marked with red flagging.

Preliminary Review submittals will be reviewed for compliance with all applicable design guidelines and with the Conceptual Review submittal. If the proposed design has not significantly changed from the approved Conceptual Design and the project team has successfully responded to all DRC concerns raised during Conceptual Review, project approval can be anticipated. Proposed designs that have not responded to DRC concerns or are otherwise inconsistent with the Eagles Nest Architectural Design Guidelines will either be denied or tabled to a subsequent meeting. In either case, within two (2) weeks of this meeting the DRC will provide the owner's design team with a written explanation of why the project was not approved.

Required Submittal Material:

Six copies, one full size and five sets of half scale, of the following are to be submitted.

1. A topographic survey of the lot. The survey is to be prepared by a licensed surveyor drawn at a scale of 1" = 10'-0" or 1" = 20'-0" and shall indicate topographic contours at two foot (2'-0") intervals; easements; significant natural features such as rock outcroppings, existing drainages, mature stands of trees and all trees with four inches (4") or greater caliper; and the location of any other structures or improvements affecting the design of the home.
2. Site Plan at a scale of 1" = 10'-0" or 1" = 20'-0" indicating the Building Envelope, the location of all proposed structures and improvements, site access, and utility service lines and meter locations.
3. Grading Plan at a scale of 1" = 10'-0" or 1" = 20'-0" indicating all modifications to existing contours and drainage patterns.

Required Submittal Material, continued

4. Floor Plans with dimensions of all proposed buildings drawn at a scale of 1/8" = 1'-0" or 1/4" = 1'-0" showing all heated and non-heated floor area and finished floor elevations.
5. Building elevations of all proposed buildings drawn at a scale of 1/8" = 1'-0" or 1/4" = 1'-0" indicating all exterior wall treatments, fenestration, decks and terraces, heights of all major roof ridges, eave lines and existing and proposed finished grades around the structure.
6. Landscape Plan at a scale of 1" = 10'-0" or 1" = 20'-0" indicating locations of all existing trees to be removed and all existing trees to be retained, all new plantings to be added, ground covers, site lighting, areas of the site to be left undisturbed in natural condition, construction protection mitigation, areas to be irrigated, and all site improvements such as patios, terraces, driveways, walkways, retaining walls, fences and pools.
7. Exterior lighting design and picture of proposed exterior light fixtures. Examples of code compliant designs are available from the DRC or the Town of Silverthorne.
8. List of building and landscape materials and a color and material board. Images of materials are to be copied and presented in 8 _ x 11 formats, Materials to be identified on copy by manufacturer, product line, and specific selection.
9. Proposed Construction Management Plan as outlined in Section VII.
10. Site staking as described above.
11. Any other drawings, materials or information requested by the DRC.
12. Five hundred dollar (\$500) Preliminary Review Application Fee. Checks shall be made payable to The EAGLE'S NEST PROPERTY HOMEOWNER ASSOCIATION- D.R.C.

Incomplete Submittals:

1. Submittals that are incomplete or do not comply with the submittal requirements will be returned to the Owner. A Re-submittal Fee of Five Hundred Dollars (\$500) may be required at the time the project is re-submitted.

STEP FOUR: FINAL REVIEW

After Preliminary Review approval, the following material shall be submitted to the DRC for final review of all construction plans. The purpose of this review is to ensure that final construction plans and documents are consistent with the plans approved at Preliminary Review. A formal meeting between the Owner and the DRC is not required. **However, the Owner and or general contractor shall meet with a representative from the DRC prior to initiating any construction or site preparation. The purpose of this meeting is to ensure that the Owner is aware of all construction regulations. The Compliance Deposit is required at this time.**

A written Notice to Proceed will be issued by the DRC for all plans that are consistent with approved Preliminary Review plans. The DRC shall issue the Notice to Proceed within two (2) weeks from the date complete Final Construction Plans are submitted. Prior to initiating construction, owners are responsible for obtaining a building permit from the Town of Silverthorne.

If construction plans deviate from approved Preliminary Plans, the DRC may approve such deviations and issue a Notice to Proceed or may disapprove the construction plans. In the event that construction plans are not approved, the DRC shall provide a written explanation of why the plans were denied within two (2) weeks from the date complete Final Construction Plans are submitted.

Required Submittal Material:

One set of the following is to be submitted:

1. Construction plans including, but not limited to, a grading plan, foundation plan, framing plan, floor plan, roof plan, building elevations, site plan, landscape plan, and all specifications and material schedules.
2. Construction Management Plan indicating the limits of construction and protective fencing, stockpile areas, storage area for materials, temporary sanitation facilities, dumpsters, construction trailers, one construction sign, and vehicle access and parking. A schedule indicating construction start and completion dates must also be included as an attachment to the plan.
3. Installation of the construction fence is required at the time of the Final Review Application.
4. One Thousand Dollar (\$1000) Final Review Application Fee. Checks shall be made payable to The EAGLE'S NEST PROPERTY HOMEOWNER ASSOCIATION- D.R.C.

Required Submittal Material, continued

5. Compliance Deposit of Five Thousand Dollars (\$5000). This deposit is to be paid by the Owner to the DRC prior to the issuance of a Notice to Proceed. (See Step Five and Article VII page 54 and 55 for use and refund of the Compliance Deposit.)

Incomplete Submittals:

1. Submittals that are incomplete or do not comply with the submittal requirements will be returned to the Owner. A Re-submittal Fee of Five Hundred Dollars (\$500) will be required at the time the project is re-submitted.

STEP FIVE: CONSTRUCTION AND INSPECTIONS

Inspections are conducted by the Eagles Nest DRC throughout the construction process. The purpose of DRC inspections is to ensure that the residence is being built according to approved plans and that construction is in compliance with the approved Construction Management Plan. A schedule for completion is required as part of the Construction Management Plan. Owners shall complete the construction of the foundation and all exterior surfaces of any improvement on his lot within one (1) year after commencing construction. If the Owner fails to complete such construction, DRC approval shall be deemed revoked and Owner must reapply and pay all necessary review fees.

Owners are also required to maintain a material board of all approved exterior materials on-site at all times.

The DRC has the authority to enter a construction site at any reasonable time during construction.

It is very common for the design of new homes to be refined during the construction process. Any changes to approved plans require review and approval by the DRC. Owners are required to contact the DRC prior to initiating such changes. Submittal requirements and the review process will vary depending upon the nature of proposed changes.

Before occupying a new home, owners must obtain a conditional or Final Certificate of Compliance from the Eagles Nest DRC. If the home, landscaping and all site improvements are completed in accordance with approved construction plans, the DRC shall issue a final Certificate of Compliance and refund any unused portion of the Compliance Deposit. The owner is also responsible for obtaining a final Certificate of Occupancy from the Town of Silverthorne.

In the event a home is completed prior to the completion of all landscaping and site improvements, an Owner may occupy the home if a conditional Certificate of Compliance is obtained from the DRC and a temporary Certificate of Occupancy is obtained from the Town of Silverthorne. In order to obtain a conditional Certificate of Compliance, the Owner must escrow funds or supply a bond in an amount equal to one hundred and fifty percent (150%) of the improvements not yet completed. A conditional Certificate of Compliance, if issued, will be limited to a maximum of nine (9) months. If after nine (9) months the Owner has not completed the remaining improvements, the DRC may use the funds in escrow or redeem the bond in order to complete the improvements. The Compliance Deposit will be held by the DRC until the final Certificate of Compliance has been issued.

Required Submittal Material:

There are no formal submittal requirements during the construction process.